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EXAMINER	
CHANKONG, DOHM	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/891,264	GYS, LUDO	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's remarks. Claims 1-11 are presented for further examination. This action is a final rejection.

Response to Arguments

2> Applicant's arguments filed 3.14.2005 have been fully considered but they are not persuasive.

Applicant is arguing in substance that the combination of the prior art references, Yates and Beck are not proper. Applicant argues: (a) that Yates and Beck are directed towards solving different problems and therefore, there is no suggestion or motivation to combine the two references and (b) that Yates uses a different network than Beck and their combination would result in a change in the principle operation of the references.

With regard to (a), both Yates and Beck are generally directed towards a service provisioning system. Yates substantially disclosed the limitations of claim 1; Yates did not expressly disclose transmission of a service container. Yates merely discloses that these service containers (objects) can be added, subtracted or replaced to provide the new functionality to the agents. So Beck was used to disclose transmitting of a service container from a server to a service computer to provide a service that was implicitly suggested by Yates. There is a reasonable expectation of success because Yates' objects are units of software such as SIBBs or adaptors [column 17 «lines 16-20»], and these adaptors can contain "processes for establishing appropriate interfaces and protocols. The adaptors might either contain standards, interfaces and protocols as data" [column 3 «lines 55-59»]. In relation,

Beck's "object" that is transmitted to a service computer contains "an interface, an implementation, and an adaptor" that "define the set of operations that the service can perform on behalf of the client" [column 5 «lines 38-45» | column 6 «lines 13-21»]. Incorporating this functionality (including Beck's use of Java for the containers) into Yates to aid Yates' goal of "adding and evolving functionality and capability to software and hardware" and especially, to "maximize software and hardware reuse" [Yates, column 6 «lines 59-67»].

With regard to (b), this point is moot, because Beck was relied upon merely to disclose the functionality of transmitting service containers between devices over a network. Additionally, Yates explicitly states that his invention is applicable to service provisioning over disparate network platforms such as mobile cellular radio [column 3 «lines 31-36»]. Therefore, Yates allows for the fact that his principle of operation can be adapted to work in a network taught by Beck. Also, Yates is directed towards object-oriented modules [column 15 «lines 17-23»]. Beck is also directed towards object-oriented principles, using Java interfaces and applets.

Furthermore, Applicant argues that since (c) Examiner failed to point out which part in Yates teaches a service component and (d) that nothing in Beck corresponds to a recited communication means, the combination would result in the invention of claim 1.

With respect to (c), Yates disclose a service container that contains a service machine, the service machine executing a service component [column 17 «lines 33-48» : where Yates' policies are analogous to a service component. The policies are executed by Yates' objects to achieve the required functionality].

With respect to (d), this point is moot, because Beck was only relied upon to merely disclose the functionality of transmitting service containers between devices over a network that would enable Yates to achieve his code extensibility and adaptability goals.

3> It is Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Claim Rejections - 35 USC § 103

4> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5> Claims 1-11 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yates et al, U.S Patent No. 6.330.586 ["Yates"], in view of Beck et al, U.S Patent No. 6.604.140 ["Beck"].

6> As to claim 1, Yates discloses a method for providing personal services for a communication means of a user, said communication means being connected to a communication network, the method comprising the steps of:

execution by said service computer of said service machine, said service machine managing the execution of a personal service for said communication means [column 2

«lines 60-65» | column 3 «lines 5-15 and 21-23» | column 29 «line 63» to column 30 «line 9» where: Yates' module are analogous to the service container, the module's code and SIBBs are analogous to a service machine];

provision by said service computer of at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for the provision of said personal service [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' interfaces are comparable in functionality to the network lock and Yates' terminal domain is analogous to the service computer]; and

provision of said personal service by execution or by application by said service machine of at least one service component being transmitted to said service computer via said first service container or via a second service container [abstract | column 4 «lines 41-55» | column 15 «lines 20-23» | column 17 «lines 33-48» | column 23 «lines 29-41» | column 26 «lines 60-63» | claim 1 where: execution of code in the software module provides the personal service to the terminal in Yates' system] .

Yates does disclose a first service container containing a service machine available to a service computer [abstract | column 2 «line 66» to column 3 «line 15» | column 15 «lines 17-23» where Yates' modules is analogous to the service container and the code of the module and the SIBBs are analogous to a service machine], but does not specifically disclose transmission of the container by a service server.

7> Beck discloses a method for providing personal services including transmission by a service server of a first service container to a service computer [abstract | column 1 «lines 65-67» | column 2 «lines 1-3 and 16-20» | column 6 «lines 13-24» | column 7 «lines 26-44» | claim 66 where: Beck's service code is analogous to a service container]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

8> As to claim 2, Yates discloses the method as claimed in claim 1, characterized by provision by the service computer of at least one monitor lock for said first service container, via said at least one monitor lock said first service container informs the service server of a condition of the service computer [column 9 «lines 1-7» | column 15 «lines 8-12» where: Yates discloses notifications are transmitted between objects, one object being the service server, another representing the service computer].

9> As to claim 3, Yates discloses the method as claimed in claim 1, characterized by provision by the service computer of at least one management lock for said first service container, via said at least one management lock said first service container sends alarms to an operator terminal or a network management system [column 10 «line 64» to column 11 «line 4»].

10> As to claim 4, Yates discloses the method as claimed in claim 1, characterized in that said terminal sends a request for said service to the service server [column 25 «lines 41-61»].

11> As to claim 5, Yates discloses the method as claimed in claim 1, characterized in that it is carried out in an Intelligent Network representing said communication network [column 8 «lines 30-39»].

12> As to claim 6, Yates discloses the method as claimed in claim 1, characterized in that the service container provides a resource lock for said first service container, said resource lock offering to said first service container an application program interface and/or an interface towards a special resource point and/or an interface towards a service program interface [column 3 «lines 37-59» | column 9 «lines 1-7»].

13> As to claim 7, Yates discloses a service computer for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service computer comprising network lock means designed such that the service computer can provide at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for provision of a personal service for said communication means

[column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' terminal domain system is comparable in functionality to the service computer]; and

said service computer comprising execution means designed such that the service computer can execute said service machine, said service machine managing the provision of said personal service for said communication means and said service machine executing or applying at least one service component for provision of said personal service, said service component being transmitted to said service computer via said first service container or via a second service container [abstract | column 2 «lines 60-65» | column 3 «lines 5-15 and 21-23» | column 4 «lines 41-55» | column 15 «lines 33-40» | column 26 «lines 60-63» | column 29 «line 63» to column 30 «line 9» | claim 1].

Yates does disclose a receiving means for the service computer [column 26 «lines 60-63»] but does not specifically disclose said receiving means for receiving of a first service container containing a service machine from a service server.

14> Beck discloses a service computer comprising a receiving means for receiving of a first service container containing a service machine from a service server [abstract | column 1 «lines 65-67» | column 2 «lines 1-3 and 16-20» | column 6 «lines 13-24» | column 7 «lines 26-44» | claim 1 where: Beck's service code is analogous to a service container, Beck's first device is analogous to a service computer, and second device is analogous to a service server]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have

been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

15› As to claim 8, Yates discloses a service computer module for a service computer for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service computer module containing program code able to be executed by a control means of the service computer [column 2 «lines 57-65»];

said service computer module comprising network lock means designed such that the service computer can provide at least one network lock for said first service container, said at least one network lock offering to said first service container a predefined interface to said communication network for provision of a personal service for said communication means [column 3 «lines 37-59» | column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

said service computer module comprising execution means designed such that the service computer can execute said service machine, said service machine managing the provision of said personal service for said communication means and said service machine executing or applying at least one service component for provision of said personal service, said service component being transmitted to said service computer via said first service container or via a second service container [column 2 «lines 57-65» | column 3 «lines 5-15 and 55-59» | column 26 «lines 60-67» | claims 1 and 2].

Yates does disclose a service module but does not specifically disclose receiving of a first service container containing a service machine from a service server.

16> Beck discloses a service module comprising receiving means for receiving of a first service container containing a service machine from a service server [claims 1 and 66 where: Beck's service code is analogous to a service container]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

17> As to claim 9, Yates discloses a service server for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service server comprising receiving means for receiving a request for a personal service for said communication means [column 25 «lines 38-51»];

said service server comprising provision means for providing at least one first service container [column 26 «lines 60-63» | column 27 «lines 12-31»],

containing a service machine able to manage the execution of said personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by a

service computer, said service component being contained in said first service container or in a second service container [Figure 4 «the items located inside the coordinator analogous to service components» | column 5 «lines 21-55» | column 17 «lines 13-20»], and

said at least one first service container being adapted to make use of at least one network lock provided by said service computer and offering to said at least one first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

Yates does disclose a service server comprising transmission means for transmission of a service to said service computer [column 26 «lines 60-63»] but does not specifically disclose transmitting a service container.

18› Beck discloses a transmitting a service container to a service computer [Figure 1 «item 102» | column 3 «lines 38-47» | claim 1]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

19› As to claim 10, Yates discloses a service server module for a service server for providing personal services for a communication means of a user, said communication means being connected to a communication network,

said service server module containing program code able to be executed by a control means of the service server;

said service server module comprising receiving means for receiving a request for a personal service for said communication means;

said service server module comprising provision means for providing at least one first service container,

containing a service machine able to manage the execution of said personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by a service computer, said service component being contained in said first service container or in a second service container [Figure 4 «the items located inside the coordinator analogous to service components» | column 5 «lines 21-55» | column 17 «lines 13-20»], and

said at least one first service container being adapted to make use of at least one network lock provided by said service computer and offering to said at least one first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16»]; and

Yates does discloses a service server module comprising transmission means for transmission of a service to said service computer [column 4 «lines 14-35» | column 26 «lines

60-63»] but does not specifically disclose transmission of a service container to the service computer.

20› Beck discloses a service module for transmitting a service container to a service computer [Figure 1 «item 102» | column 3 «lines 38-47» | claims 1 and 66]. It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Beck's dynamic transmission of the service container into Yates' service provisioning system to allow service containers to be dynamically loaded and utilized by terminals. One would have been motivated to perform such an implementation to obtain the benefits of minimizing consumption of device resources by the terminals.

21› As to claim 11, Yates discloses a first service container for providing personal services for a communication means of a user, said communication means, being connected to a communication network,

said first service container containing program code able to be executed by a control means of a service container [column 2 «lines 57-65»];

said first service container containing a service machine able to manage the execution of a personal service and said service machine further able to execute or to apply at least one service component for said service provision, when said service machine is executed by said service computer, said service component being contained in said first service container or in a second service container [abstract | column 4 «lines 41-55» | column 15 «lines 33-40» | column 26 «lines 60-63» | claim 1]; and

said first service container being adapted to make use of at least one network lock provided by said service computer and offering to said first service container a predefined interface to said communication network [column 6 «lines 38-45» | column 9 «lines 1-7» | column 10 «lines 1-16» where: Yates' interfaces are comparable in functionality to the network lock and Yates' terminal domain is analogous to the service computer].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

Dung C. Dinh
Primary Examiner

Dung C. D
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